



**ZONING ADMINISTRATOR**  
**NOTICE OF DECISION**

**Date:** November 5, 2012  
**Applicant:** Rio Mar LLC  
**Case No.:** DRC-11-31  
**Address:** 249 Del Mar Avenue  
**Project Planner:** Caroline Young

Notice is hereby given that on November 5, 2012, the Zoning Administrator considered Design Review Permit (DRC) application (DRC-11-31), filed by Rio Mar LLC, Inc. ("Applicant"). The Applicant requests DRC approval to construct three (3) multi-family units with associated parking and landscaping. The existing single-family home and detached garage will be removed from the site. The Project is located at 249 Del Mar Avenue ("Project Site") and is owned by Rio Mar LLC ("Property Owner"). The Project Site is zoned Apartment Residential (R3P22) with a General Plan designation of Residential Medium High (RMH). The Project is more specifically described as follows:

The existing single-family home and detached garage will be demolished to construct three (3) multi-family units with associated parking and landscaping. The proposed two-story multi-family units will be located adjacent to the intersection of Del Mar Avenue and Davidson Street with parking in the side and rear of the lot. The front entrance and garage access for two of the homes will be off of Davidson while the other unit is accessed off of Del Mar Avenue. The materials of the building will consist of stucco with two (2) brown toned colors with a composite shingle roof similar to materials used on recent projects within the area. The second floor will consist of private balconies for each unit. Each unit will have individual trash bins stored in their garages. Other amenities include common landscaped area consisting of an open grass area in accordance with the Municipal Code and Landscape Manual located in the front of the unit and private open space located in the rear and side of the building. Associated with this permit is a Variance application that will allow a reduction in the exterior side yard setback requirement from 25-ft. per the Chula Vista Building Line Map to 10-ft. along Davidson Street.

In order to enhance the existing elevation of the duplex, additional architectural elements, such as new front porches will be added to each unit. The second floor unit also provides a large front balcony area. Other site improvements include five (5) parking spaces, landscaping, and enhanced paving. Landscaping will consist of a 10-ft area at the front of the property to enhance the front entrance. A meandering sidewalk is provided from the street to the front entrances to each unit with a circular enhanced paving area in the center of the site. The bottom two units will have its own private open space located at the front porch and rear yard areas, and the second floor will have their own private open space in

Page 2

the front balcony. A total combined area of 842 square-feet of private open space will be provided for all units. There will also be a total of 1,812 square-feet of common open space located elsewhere throughout the site.

The following Project Data Table shows the development regulations along with the applicant's proposal to meet said requirements:

Assessor's Parcel Number:	568-073-07-00
Current Zoning:	Apartment Residential (R3P22)
General Plan Designation:	Residential Medium High (RMH)
Lot Area:	0.13-acres
<b>PARKING REQUIRED:</b> Parking spaces, broken down as follows: 2 spaces for a 3 bedroom unit 2 spaces x 3 units= 6 spaces Total: 6 spaces	<b>PARKING PROPOSED:</b> Garage spaces: 5 Open parking: 1  Total = 6 spaces
<b>SETBACKS/HEIGHT REQUIRED:</b>  Front: 15 feet Exterior Side Yard: 25 feet Lot Coverage: Max 50% Height: Max 28 feet	<b>SETBACKS/HEIGHT PROPOSED:</b> 15 feet 10 feet* 35% 22 feet

\* Approved through Variance application, ZAV-11-04 to allow a reduction in exterior side yard setback requirement.

Planning staff has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project qualifies for a categorical exemption pursuant to Section 15332 of the State CEQA Guidelines. Thus, no further environmental review is necessary.

The proposed project is consistent with the development regulations of the Chula Vista Municipal Code (R3P22 Zone), with exception to meeting the exterior side yard setback requirements of 25-ft per the Chula Vista Building Line Map, which is approved through the Variance application to allow a minimum 10-ft exterior side yard setback along Davidson Street, Design Manual, and Landscape Manual. The Zoning Administrator, under the provisions of Section 19.14.582.G of the Chula Vista Municipal Code, has conditionally approved the project subject to the following conditions:

- I. The following shall be accomplished to the satisfaction of the Development Services Director, prior to issuance of building permits, unless otherwise specified:

**Development Services Department:**

1. Prior to approval by the City of Chula Vista for the use of the subject property in reliance on this approval, the Applicant/Representative and Property Owner shall execute this document by making a true copy of this letter of conditional approval

and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

\_\_\_\_\_  
Signature of Applicant/Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

2. Prior to, or in conjunction with the issuance of the first building permit, pay all applicable fees, including any unpaid balances of permit processing fees for deposit account DQ-1681.
3. The colors and materials specified on the building plans must be consistent with the colors and materials shown on the site plan and materials board approved by the Zoning Administrator on November 5, 2012.
4. Prior to the building permit approval, the Applicant shall show the proposed balconies on the site plan. The balconies shall only encroach three (3) feet into the setback pursuant to Section 19.16.060 (4).
5. Approval of this Design Review Permit is contingent upon approval of Variance application, ZAV-11-04 by the Zoning Administrator.
6. A graffiti resistant treatment shall be specified for all wall and building surfaces, and noted on any building and wall plans. Additionally, the project shall conform to CVMC Section 9.20.055 regarding graffiti control. The applicant shall remove all graffiti on a regular basis. The Applicant shall place a note to this effect on the building permit plans.
7. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections, shall be shielded from view and the sound buffered from adjacent properties and streets as required by the Development Services Director. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Development Services Director.

8. All ground mounted utility appurtenances such as transformers, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Director of Development Services.

**Engineering Developments Services/Landscape Architecture:**

9. The following fees will be required based on the final Building Plans submitted per the Master Fee Schedule:
  - a. Sewer Connection and Capacity Fees
  - b. Traffic Signal Fee
  - c. Public Facilities Development Impact Fees (PFDIF)
  - d. Other Engineering Fees as applicable per attached Master Fee Schedule.
10. Additional deposits or fees in accordance with the City Subdivision Manual, and Master Fee Schedule will be required for the submittal of the following items:
  - a. Construction Permit
12. Payment of the Park Acquisition and Development (PAD) fee per dwelling unit is required prior to the issuance of the first Building Permit in accordance with CVMC 17.10.100. The current PAD fee for West Chula Vista Projects is \$7,223 for Multi-Family. The PAD fee is adjusted on an annual basis on October 1 based on the Engineer Construction Cost Index. The payment of PAD fee amount in place at the time of the recording of the Final Map is required. The PAD fee for the project at this time is \$21,669.00 (3 @ \$7,223.00/unit). Credit will be awarded for existing buildings on the site.
13. All driveways shall conform to the City of Chula Vista's sight distance requirements in accordance with Section 18.16.220 of the Municipal Code. Also, landscaping, street furniture, or signs shall not obstruct the visibility of driver at the street intersections or driveways.
14. Driveway curb opening shall be a minimum of eight feet from any PCR, and three feet from any obstruction.
15. The Applicant shall provide a cross section for both Davidson Street and Del Mar Avenue prior to the approval of the building permit. Revise typical streets cross-sections to reflect existing and proposed conditions. Show the proposed public improvements and dimensions from centerline to curb, and from centerline to property line on the cross sections.
16. The Applicant shall clearly show the existing and proposed sanitary sewer lines and how the site will connect to the City's public sewage system on the building permit. No sewer lines will be allowed to be located under existing or proposed buildings. Indicate whether sewer lines are private or public.

17. Any proposal to move over 250 cubic yards of earthwork will require a Land Development Permit to be reviewed and approved by the Land Development Section.
18. The Applicant shall provide 2 copies of the following technical reports with the 1<sup>st</sup> submittal of building permit:
  - a. Final Water Quality Technical Report (WQTR)
19. The Project shall comply with all requirements of the Chula Vista Development Storm Water Manual for both construction and post-construction phases of the project. Prior to building permit approval, documentation shall be provided, to the satisfaction of the City Engineer, to demonstrate such compliance.
20. Site design shall include features to meet NPDES Municipal Permit Standards. These features shall maximize infiltration and minimize impervious land coverage while conveying storm water runoff.
21. Where feasible, storm water runoff from parking areas and roofs shall be directed to landscaped areas before discharge to storm drainage systems.
22. Prior to obtaining any Building Permit for the Project, if project's total on-site improvements exceed Engineering Threshold of (currently: \$33,762.11), per CVMC, Section 12.24.020, then the Applicant shall be required to obtain a Construction Permit from the Land Development Section of the Department of Development Services. The On-Site Improvements Trigger for Installation of Public Improvements is adjusted on an annual basis on July 1 based on the Engineer Construction Cost Index. A Construction Permit is required to perform the following work in the City's right-of-way, which may include, but is not limited to:
  - ❑ Removal and replacement of any broken or damaged curb, gutter, and sidewalk per SDRSD G-2, and G-7 along the project's frontage to the satisfaction of the City Engineer. Sidewalk shall be designed and constructed with proper transitions to existing conditions.
  - ❑ Removal and replacement of existing driveway meeting design standards as shown in Chula Vista Construction Standard CVCS-1B. Current driveway shall be replaced, if it does not meet the City of Chula Vista Design Standards/ADA Standards, or if existing driveway is cracked or broken. Dedication of R/W as needed in order for driveway to comply with (American Disability Act) ADA requirements.
  - ❑ Removal and replacement of existing pedestrian ramp on the corner of Del Mar Avenue and Davidson Street per Chula Vista Construction Standard CVCS-25. Current pedestrian ramp shall be replaced, if it does not meet the City of Chula Vista Design Standards/ADA Standards, or if existing pedestrian ramp is cracked or broken.

- Installation of one driveway along Del Mar Avenue meeting design standards as shown in Chula Vista standard detail CVCS-1B. Dedication of R/W as needed in order for driveway to comply with American Disability Act (ADA) requirements.
- 23. Separate permits for other public utilities (gas, electric, water, cable, telephone) shall be required, as necessary.
- 24. The construction and completion of all improvements and release requirements shall be secured in accordance with Section 18.16.220 of the Municipal Code.
- 25. The Public Works Operations Section shall inspect any existing sewer laterals and connections that are to be used by the new development. Laterals and connections may need replacement as a result of this inspection.
- 26. All proposed sidewalks, walkways, pedestrian ramps, and disabled parking shall be designed to meet the City of Chula Vista Design Standards, ADA Standards, and Title 24 standards, as applicable.
- 27. If the units will be sold individually, a Tentative Parcel Map and Parcel Map are required to create a one-lot-3-unit condominium map.
- 28. Any private facilities within Public right-of-way or City easement will require an Encroachment Permit prior to Improvement Plan or Building Permit approval.
- 29. All utilities serving the subject property and existing utilities located within or adjacent to the subject property shall be undergrounded in accordance with the Chula Vista Municipal Code Section. Furthermore, all new utilities serving the subject property shall be undergrounded prior to the issuance of Building Permits.
- 30. The Applicant shall provide a landscape plan prepared by a licensed landscape architect with the building permit submittal for review and approval. Plans shall comply with the City Landscape Manual, City Landscape Water Conservation Ordinance, and Storm Water Management design.
- 31. The Applicant shall revise the following on the landscape plan prior to the approval of the building permit:
  - a) Provide a hedge or vertical shrub planting between the side yard parking stall and the side yard planter area.
  - b) Eliminate all boulders in the parkway planting, due to trip hazard and safety.
  - c) Provide woody shrub plantings and increase the depth of the foundation plantings. Relocate all accent herbaceous plantings to within the woody shrub foundation planting area.

- d) Provide the Podocarpus Gracilior tree species, minimum 15 gallon size as the street tree selection for both streets. Provide a minimum of three (3) trees on Del Mar Avenue and a minimum of four (4) trees as substitute for the four (4) palms along Davidson Street.
  - e) Provide tree planting in front of Units 2 & 3. The tree species shall match the tree planting in the front yard area.
32. Prior to the approval of the building permit, the Applicant shall provide separate irrigation valves for all tree plantings.
33. The Project shall comply with the City of Chula Vista's Landscape Water Conservation Ordinance. Requirements of this code include: a.) A table that identifies MAWA & ETWU (20.12.110); b.) A Smart Controller is required (20.12.130); c.) Irrigation plans shall state that each point of connection does not exceed the ETWU & MAWA; d.) Provide soils management report. The Applicant shall reduce the amount of lawn area within the front yard landscape design to comply with the City's Landscape Water Conservation Ordinance.
34. Prior to issuance of building permit submit a landscape documentation package for approval to the City of Chula Vista that demonstrates that the landscape associated with the application complies with the City of Chula Vista Landscape Water Conservation Ordinance, Chapter 20.12 of the Municipal Code. The title sheet of the drawings shall contain a signed statement from the landscape architect as follows: "I am familiar with and agree to comply with the requirements for landscape improvement plans as described in Chapter 20.12 of the Municipal Code. I have prepared this plan in compliance with those regulations. I certify that the plan implements the regulations to provide efficient landscape water use."
35. Prior to building permit approval, the Landscape Architect shall provide a "Declaration of Responsible Charge Statement" and include signature & date on the landscape plans.

#### **Fire Department**

36. The project will require a fire flow of 2,000 gallons per minute for a 2-hour duration (at 20psi).
37. The Applicant shall provide a water flow letter from the applicable water agency having jurisdiction indicating that the above-mentioned fire flow is available to serve the project.

38. Fire hydrants shall be located no greater than 500 feet apart. Based upon the minimum required fire flow, hydrant spacing minimum of two hydrants are required to serve this project. The Applicant shall show the fire hydrants on the building permit plans prior to approval.
39. The building shall be addressed in accordance with the following criteria:
  - 0 – 50 feet from the building to the face of the curb = 6-inches in height with a 1-inch stroke
  - 51 – 150 feet from the building to the face of the curb = 10-inches in height with a 1 ½ -inch stroke
  - 151 feet from the building to the face of the curb = 16-inches in height with a 2-inch stroke
40. The State of California has adopted building code changes that will require all new one- and two-family homes and townhouses built in the state starting January 1, 2011, to be equipped with life-saving fire sprinkler systems.
41. The Applicant shall submit a deferred submittal for the Fire Sprinkler system to the Fire Department for review and approval prior to occupancy.

**II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.**

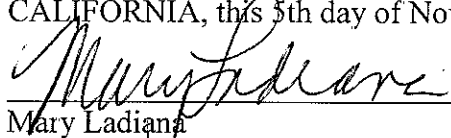
1. The Applicant shall maintain the Project in accordance with the approved plans for DRC-11-31, date stamped on August 17, 2011, which include site plan and architectural elevations on file in the Development Planning Division, the conditions contained herein, and Title 19.
2. All landscaping and hardscape improvements shall be installed and maintained in accordance with the approved landscape plan.
3. Approval of this request shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance.
4. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this permit where indicated below. The Applicant/Representative and Property Owner's



compliance with this provision is an express condition of this permit and shall be binding on any and all of Applicant/Operator's successors and assigns.

5. This Design Review Permit shall become void and ineffective if not utilized within thirty-six (36) months from the effective date thereof, in accordance with Section 19.14.600 of the Municipal Code, unless an extension application is submitted within 30-days of the expiration date of November 5, 2015.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,  
CALIFORNIA, this 5th day of November 2012.

  
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Mary Ladiana  
Zoning Administrator